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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,061	07/23/2001	Yihsiu Chen	2001-0056	3217

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EXAMINER

TRAN, NGH I V

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,061

Applicant(s)

CHEN ET AL.

Examiner

Nghi V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on July 12, 2006. No claims have been amended. No claims have been canceled. Claims 1-21 have been withdrawn. Therefore, claims 22-27 are presented for further examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu, U.S. Patent No. 6,079,020 (hereinafter Liu), in view of Larson et al., U.S. Patent Application Publication No. 2004/0107286 (hereinafter Larson).

4. With respect to claim 22, Liu teaches a method practiced at a network interface unit (NIU) directly connected to at least one local area network (LAN), said NIU also being connected to a non-secure node of a second network, which second network is in packet communication with at least one access node of a secure virtual private network (VPN) [figs. 1-2 and see abstract], the method comprising:

- receiving data packets from at least one device on said at least one LAN [210],
- multiplexing said data packets into at least one packet data stream [col.7, Ins.8-67],
- modifying said packet data streams in a security server in said NIU in accordance with a secure communication protocol by encrypting packets in said data streams and encapsulating resulting encrypted packets [240].

However, Liu does not explicitly show providing network destination address information from a Domain Name System (DNS) server for at least selected ones of said data streams.

In a method for establishing secure communication, Larson discloses providing network destination address information from a DNS server for at least selected ones of said data streams [paragraphs 0024, 0225, 0260-0268].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Liu in view of Larson by providing network destination address information from a DNS server for at least selected ones of said data streams because this feature is enabled at a first computer without a user entering any cryptographic information for establishing the secure communication mode of communication [Larson, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to automatically create of a VPN in response to a DNS server look-up function [Larson, paragraph 0261].

5. With respect to claim 23, Liu is silent on said modifying said packet data streams in a security server comprises modifying said packet streams in an IPsec server.

In a virtual private network, Larson discloses said modifying said packet data streams in a security server comprises modifying said packet streams in an IPsec server [paragraph 0285].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Liu in view of Larson by modifying said packet streams in an IPsec server because this feature is enabled at a first computer without a user entering any cryptographic information for establishing the secure communication mode of communication [Larson, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to automatically create of a VPN in response to a DNS server look-up function [Larson, paragraph 0261].

6. With respect to claim 24, Liu further teaches a method comprising:

- receiving at least one stream of data packets from said non-secure network [300 and 310],
- filtering out packets in said streams of received packets that are not from said VPN network, said filtering being performed by a firewall in said security server [320],

- modifying said packets in said at least one stream by decrypting said packets in said at least one received data stream and decapsulating resulting decrypted packets, said decrypting and decapsulating being performed by said security server [340],
- demultiplexing said at least one stream of received data packets to form at least one demultiplexed stream of data packets for delivery to said at least one LAN [350].

7. With respect to claim 25, Liu further teaches authenticating client devices on said at least one LAN, and wherein packets from authenticated client devices on said at least one LAN that are received at said network interface device are processed as packets received from said VPN [col.3, Ins.1-61].

8. With respect to claim 26, Liu further teaches wherein said non-secure node of a second network is part of said NIU [131].

9. With respect to claim 27, Liu further teaches wherein said at least selected ones of said at least one packet data stream are applied to said non-secure node of said second network [fig.1].

Response to Arguments

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10. Applicant's arguments filed January 18, 2006 have been fully considered but they are not persuasive because of the following: Liu teaches a method practiced at a network interface unit (NIU) directly connected to at least one local area network (LAN), said NIU also being connected to a non-secure node of a second network, which second network is in packet communication with at least one access node of a secure virtual private network (VPN) [figs.1-2 and see abstract], the method comprising: receiving data packets from at least one device on said at least one LAN [210], multiplexing said data packets into at least one packet data stream [col.7, Ins.8-67], modifying said packet data streams in a security server in said NIU in accordance with a secure communication protocol by encrypting packets in said data streams and encapsulating resulting encrypted packets [240]. However, Liu does not explicitly show providing network destination address information from a Domain Name System (DNS) server for at least selected ones of said data streams. In a method for establishing secure communication, Larson discloses providing network destination address information from a DNS server for at least selected ones of said data streams [paragraphs 0024, 0225, 0260-0268]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Liu in view of Larson by providing network destination address information from a DNS server for at least selected ones of said data streams because this feature is enabled at a first computer without a user entering any cryptographic information for establishing the secure communication mode of communication [Larson, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been

motivated in order to automatically create of a VPN in response to a DNS server look-up function [Larson, paragraph 0261].

11. In response to applicant's argument that "Larson is not performed at a NIU". Examiner respectfully disagrees because applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as show in the above.

12. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Liu in view of Larson by providing network destination address information from a DNS server for at least selected ones of said data streams because this feature is

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enabled at a first computer without a user entering any cryptographic information for establishing the secure communication mode of communication [Larson, see abstract].

It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to automatically create of a VPN in response to a DNS server look-up function [Larson, paragraph 0261].

19. In response to applicant's arguments, the recitation "at a network interface unit (NIU)" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

12. Therefore, the examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims. Claims 23-27 are rejected at least by virtue of their dependency on independent claims and by other reasons set forth above. Accordingly, claims 22-27 are respectfully rejected as shown above.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

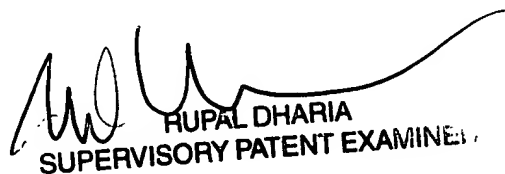
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

September 30, 2006


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER